UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,826	10/23/2001	Tatsuo Kaizu	275744US6	9532

22850 7590 12/01/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
LAM, WAI YIP	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,826	KAIZU ET AL.	
	Examiner	Art Unit	
	Wai Lam	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-8 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities. Appropriate correction is required.

As to claim 2, antecedent basis is not established from the recitation of "said recording means" and "coding means" that are referring to "recording apparatus" and "code information" respectively in claim 1. For the purpose of examination, it will be assumed that these terms have proper antecedent to the language of claim 1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 5, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,692,214 (Levine).

As to claim 1, Levine teaches an information processing apparatus (PC 18 in Figure 2) comprising control information acquiring means for acquiring from a program information providing apparatus (schedule source 40) control information (information related to the programming selected to be recorded, such as channel to be recorded, start time and end time of program) for controlling preset recording of a program. Levine teaches that program

information providing apparatus (remote database 40 in Figure 2) provides control information (information related to the programming selected to be recorded) (Column 3, lines 55 – 67, Column 4, lines 1 – 8) so that personal computer 18 can control the recording of the VCR 14 (Column 4, lines 9 – 14, 36 – 45). This is equivalent to the present means because a programming schedule (EPG server 7 in Figure 1 of present disclosure) is accessed by computer 18 (computer 1 in Figure 1 of present disclosure) and computer 18 of Levine uses the selected programming information (control information) to control the preset recording of the selected program.

Levine also teaches identification information (VCR make and model) acquiring means for acquiring identification information (VCR make and model) for identifying a recording apparatus (VCR 14 in Figure 2) by which said program is recorded (Column 4, lines 61 – 65). This is equivalent to the present disclosure because the identification acquiring means is disclosed in the present application as the user (operator in Levine) enters the identification information such as model of the VCR 2 (VCR 14 in Figure 2 of Levine) with the personal computer 1(personal computer 18 in Figure 2 of Levine) in advance.

Levine also teaches code information (VCR control codes) acquiring means for acquiring, on said identification information acquiring means (VCR make and model by user), code information (infrared code that controls the VCR) for controlling said recording apparatus (VCR 14 in Figure 2), said code information (infrared code that controls the VCR) corresponds to said control

information acquired by the information acquiring means. Levine teaches that the infrared code that controls the VCR 14 (code information) is retrieved from remote database 40 (EPG 7 of present application) (Column 4, lines 58 – 62). The code information (infrared code that controls) corresponds to the information related to programming selected to be recorded because when the start time of the program to be recorded is reached, code information must be sent to the VCR so that recording can be initiated (Column 4, lines 23 – 28). Therefore, control information must be mapped to the code information. This is equivalent to CPU 21 of personal computer 1 accessing EPG server 7 to download the corresponding command set as one that is used for VCR 2 in the present application and that the control information corresponds to the code information.

Levine also teaches transmitting means, for transmitting said code information (infrared code that controls the VCR) acquired by said code information acquiring means to said recording apparatus (VCR 14 in Figure 2)(Column 4, lines 40 – 45). This is equivalent to the code information being sent from the personal computer 1 to the Video mouse 1A (IR unit), the video mouse (IR unit) sends the control signal to program the VCR for preset recording of the present disclosure.

As to claim 2, see rejection of claim 1 and note that Levine also teaches wherein said transmitting means transmits said code information (infrared code that controls the VCR) to said recording means (VCR 14 in Figure 2), said coding means (infrared code that controls the VCR) instructing said recording means to

execute one of operations for starting and ending a recording session (Column 4, lines 24 – 28). Note that Levine teaches that the computer 18 can use its internal clock instead of the clock of the IR unit (Column 4, 36 – 38), thereby satisfying the transmitting means.

As to claim 3, see rejection of claim 1 and note that Levine also teaches wherein said transmitting means transmits said code information (infrared code that controls the VCR) which instructs said recording apparatus (VCR 14) to execute a preset recording operation (Column 4, lines 36 – 45).

As to claim 4, see rejection of claim 1 and note that Levine also teaches wherein said identification information (VCR make and model) acquiring means acquires a maker name and a model name of said recording apparatus as said identification information (Column 4, lines 63 – 65).

As to claim 5, see rejection of claim 1 and note that Levine also teaches wherein said code information acquiring means acquires said code information (IR codes that controls the VCR) through a network. Levine teaches that information as to the nature of the remote control codes used by the video recorder 14 is provided from the remote database 40 in Figure 2 (Column 4, lines 58 – 65), wherein the personal computer 18 and the remote database 40 communicates through a telephone network with modems.

As to claim 7, see rejection of claim 1 for the corresponding claim limitations and note that Levine discloses the method along with the apparatus of claim 1 (Column 3, line 24).

As to claim 8, see rejection of claim 1 for the corresponding claim limitations and note that Levine teaches a special application program (computer readable program) that is stored in a program storage medium (diskette) implements the claim limitations of claim 1 (Column 3, lines 30 – 32, 48 – 49).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,692,214 (Levine) in view of U.S. Patent No. 5,537,473 (Saward).

As to claim 6, see rejection of claim 1 and note that Levine also teaches wherein said control information includes broadcast channel information, broadcast date, broadcast start time and broadcast end time. Levine teaches that as the operator makes a programming selection, the information relating to the selection (control information), includes the channel, start and stop time. This reads on the broadcast channel, broadcast start time and broadcast end time.

Levine fails to teach the control information includes a broadcast date.

However, Saward teaches control information (Figure 4) of a VCR includes a date of the program or a code for specific days of the week to be recorded (Column 3, lines 37 – 38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify control information of Levine, using the broadcast date control information of Saward, for the purpose of convenience for the user so that the user can use one preset recording to record programs on different days (i.e. weekly).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,293,357 (Hallenbeck) discloses a system for controlling a VCR by event timers. U.S. Patent No. 6,195,501 (Perry et al.) discloses a system wherein a computer controls a VCR by means of an IR transceiver. U.S. Patent No. 4,689,022 (Peers et al.) discloses a system wherein a computer directly controls a VCR.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai Lam whose telephone number is (571) 272-2827. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600